



File Code: 1570 (218)
#14-01-00-0044

Date: May 15, 2014

Lyle Smith
Director
Elk City Wagon Road Group
194 Clearwater Main St.
Clearwater, ID 83552

Dear Mr. Smith:

I received your emailed objection, filed on behalf of the Elk City Wagon Road Group (ECWRG), regarding the Newsome Creek Watershed Restoration project's Environmental Assessment (EA) and Draft Decision Notice (DN) as prepared by District Ranger Terry Nevius on the Red River Ranger District of the Nez Perce-Clearwater National Forests. This proposed action is subject to the pre-decisional administrative review procedures found at 36 CFR Part 218, Subparts A and B.

36 CFR 218.5(a) provides direction on who may file an objection (emphasis added):

§218.5 Who may file an objection.

(a) **Individuals and entities as defined in §218.2 who have submitted timely, specific written comments** regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Opportunity for public comment on a draft EIS includes request for comments during scoping, the 40 CFR 1506.10 comment period, or other public involvement opportunity where written comments are requested by the responsible official. Opportunity for public comment on an EA includes during scoping or any other instance where the responsible official seeks written comments.

As stated in your objection, you assert comments on the project were hand-delivered but were lost. Upon contacting the district office, they confirmed they have no record of comments from ECWRG on the project. Should you choose to hand-deliver documents in the future, I encourage you to take a second copy with you that can also be time and date imprinted and furthermore signed by the receiver. This would ensure you have proof of submitting timely, specific written comments, as described at 36 CFR 218.25(a)(4)(ii) (emphases added):

§218.25 Comments on proposed projects and activities.

(a) Opportunity to comment.

(4) Evidence of timely submission. **When there is a question about timely submission of comments, timeliness shall be determined as follows:**

...(ii) **Hand-delivered comments must be time and date imprinted at the correct**



responsible official's office by the close of business on the 30th calendar day following publication of the legal notice for proposed projects or activities to be analyzed and documented in an EA or the 45th calendar day following publication of the NOA in the Federal Register for a draft EIS.

Because neither ECWRG or the District Office can provide evidence that timely, specific written comments were delivered or received, I must dismiss your objection in accordance with 36 CFR 218.10(a)(3) (emphases added):

§218.10 Objections set aside from review.

(a) **The reviewing officer must set aside and not review an objection when one or more of the following applies:**

...(3) **The individual or entity did not submit timely and specific written comments** regarding the proposed project or activity during scoping or another designated opportunity for public comment (see §218.5(a)).

While you do not have standing to object, District Ranger Terry Nevius has indicated he would still be willing to meet with you outside of the administrative review (objection) process to discuss your concerns. If you are interested in arranging a meeting, please contact the Project Team Leader, Jennie Fischer, at (208) 983-4048.

If you have any questions about the processing of your objection, please contact the Regional Objection Coordinator, Ray Smith, at (406) 329-3381.

Sincerely,



DAVID E. SCHMID
Deputy Regional Forester

cc: Lois R Hill, Jennie Fischer, Terry Nevius, Ray G Smith